

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929**

**Crl.Rev.Pet.No. 3825 of 2007()**  
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**CRA.236/2006 of SESSIONS COURT, THALASSERY  
CP.78/2005 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT,  
THALASSERY  
(MC.9/2006)  
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**REVN. PETITIONER: REVISION PETITIONERS/APPELLANT/ACCUSED:**  
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**1. SURESH KUMAR, S/O. RAMAN KUTTY,  
AGED 32 YEARS, CHELUKKARA, OLLUR, THRISSUR DISTRICT**

**2. ARAVINDAKSHAN, S/O. RAJAN,  
AGED 43 YEARS, CHELUKKARA, AVINASSERY,  
THRISSUR DISTRICT.**

**BY ADV. SRI.SUNIL NAIR PALAKKAT  
SRI.K.N.ABHILASH**

**RESPONDENTS: RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION  
ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**V. RAMKUMAR, J.**

.....  
**Crl. R.P. No. 3825 OF 2007**  
.....

**Dated this the 25<sup>th</sup> day of October, 2007**

**O R D E R**

The revision petitioners were the sureties to the first accused in C.P.No.78/2005 on the file of the Additional CJM, Thalassery, which was a case involving an abkari offence. Each of them executed a bond for Rs.25,000/- undertaking to forfeit the said amount in the event of the accused committing default in appearance before the court. The accused in the C.P. case committed default whereupon the Additional CJM issued show cause notice to the petitioners. Before that they were given an opportunity to produce the accused before court. It is alleged that subsequently they have produced the accused before court but in spite of that, the Additional CJM imposed the entire bond for Rs.25,000/- as penalty on each of the revision petitioners. On appeal preferred by the petitioners as Crl.Appeal No.236/06 the Sessions Court, Thalassery extended some indulgence towards the revision petitioners by

reducing the penalty to Rs.12,500/- which is half of the bond amount. It is the said judgment which is assailed in this revision.

2. Having regard to the fact that the revision petitioners were able to produce the accused before court subsequently and having further regard to the fact that the revision petitioners are relatively indigent persons, the penalty imposed on them is reduced to a sum of Rs.5,000/- (Rupees five thousand only). If the said penalty is ultimately found to be irrecoverable, the revision petitioners shall be put in the civil prison for a period of one month.

This revision is allowed in part as above.

**(V. RAMKUMAR, JUDGE)**

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